

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PAUL SHEBANOW, as Representative and
 Executor of the ESTATE OF MICHAEL S.
 SHEBANOW,

Plaintiff,

vs.

FIRST MAGNUS FINANCIAL CORP. et al.,
 Defendants.

3:10-cv-00765-RCJ-RAM

ORDER

Plaintiff Paul Shebanow has sued several Defendants on behalf of the Estate of Michael S. Shebanow, his deceased father, over the foreclosure of a home owned by the Estate (the "Property"). Paul, the representative and executor of the Estate, also rents the Property, which is located at 3379 Forest View Lane in Reno, Nevada. Based on Plaintiff's claim that there was no default, the Court granted Plaintiff's Motion for Temporary Restraining Order (ECF No. 11) to prevent a trustee's sale on the Property that was scheduled for January 5, 2011. The Court also ordered that "before January 1, 2011, Plaintiff's counsel shall enter into the record his client's or his own affidavit attesting as to whether the Property is in probate in this or any other state, the answer to which may affect the Court's jurisdiction." The Court issued that order because if the Property is in probate, the Court may lack jurisdiction over the case in whole or in part. *See Marshall v. Marshall*, 547 U.S. 293, 312 (2006); *Markham v. Allen*, 326 U.S. 490, 494 (1946).

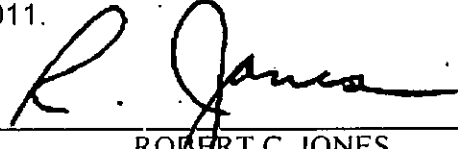
1 Before the preliminary injunction hearing could be held, the parties filed (and the Court
2 granted) a stipulation providing that Plaintiff would withdraw his motion for preliminary
3 injunction in return for Defendants' indefinite postponement of sale and promise to warn
4 Plaintiff thirty days in advance of any rescheduled sale. Plaintiff's counsel, however, did not
5 comply with the Court's order to attest as to whether the Property is in probate. Accordingly,

6 **CONCLUSION**

7 IT IS HEREBY ORDERED that the case is dismissed for failure to comply with the
8 Court's order. *See* Fed. R. Civ. P. 41(b).

9 IT IS SO ORDERED.

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11 Dated this 4th day of February, 2011.

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14 ROBERT C. JONES
15 United States District Judge
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